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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,173	03/16/2004	Dale E. Fiene		1054

7590 05/09/2006  
Dale E. Fiene  
622 Gaslight Drive  
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EXAMINER

PAYNE, SHARON E

ART UNIT PAPER NUMBER

2875

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/801,173

Applicant(s)

FIENE, DALE E.

Examiner

Sharon E. Payne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 1-32 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-37 is/are allowed.
- 6) ☒ Claim(s) 33 and 38 is/are rejected.
- 7) ☒ Claim(s) 39-44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 1-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected electrical connector and circuit, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/1/2006. (Applicant did not indicate that he was traversing the requirement, so the election is being treated as one made without traverse.)

### *Claim Objections*

2. Claims 39-44 are objected to because of the following informalities: the phrase "such that" in line 12 should not be surrounded by commas. Appropriate correction is required. Claims 40-44 are necessarily included due to their dependency.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilssen (U.S. Patent 5,559,393) in view of Cook et al. (U.S. Patent 4,521,839).

Regarding claim 33, Nilssen discloses a high-frequency power source (abstract), an interconnecting cable (reference number CC1) and multiple luminaires (SFL1 and

SFL2), the high-frequency power source being connected to and powered from a standard utility power line (Fig. 8) and having a high-frequency power output (abstract), the interconnecting cable being connected to the high-frequency power output (Fig. 8), the interconnecting cable not being a track of a track lighting system (Fig. 8), the interconnecting cable being supplied from a manufacturing facility with no luminaires connected thereto (Fig. 8, cord on the very left), the system further characterized in that the system is installed by an installer (Fig. 8, all systems are installed by some sort of installer), during installation, luminaires are connected to a single interconnecting cable at multiple points along the interconnecting cable (Fig. 8, two lamps on either side of each cable), the locations of the luminaires being determined by the installer (Fig. 8). (An installer, be it a professional installer or otherwise, always makes some determination of where the lamps go before a lighting system goes up.) Nilssen does not disclose an insulation displacement connection.

Cook et al. discloses an insulation displacement connection (Fig. 2, middle right, portion of top wire by reference number 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the connection of Cook et al. in the apparatus of Nilssen to enable one to use the same set of wires to connect multiple luminaires so that they can be connected in parallel so that the string works even if one lamp burns out.

Concerning claim 38, Nilssen discloses a high-frequency power source (abstract), an interconnecting cable (Fig. 8, cable on far left with alternate power source) and multiple luminaires (Fig. 8), the interconnecting cable being supplied with no

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luminaires connected thereto (Fig. 8, cable on far left with alternate power source).

Nilssen does not disclose the system being characterized in that multiple luminaires are powered from the same interconnecting cable without cutting the cable.

Cook et al. discloses the multiple luminaires that can be powered from the same interconnecting cable without cutting the cable (Figs. 1 and 2, column 3 in lines 15-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the connection of Cook et al. in the apparatus of Nilssen to enable one to use the same set of wires to connect multiple luminaires so that they can be connected in parallel so that the string works even if one lamp burns out.

***Allowable Subject Matter***

5. Claims 34-37 are allowed.

6. Claims 39-44 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

7. The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to disclose a luminaire or method of making a series of luminaires having the following steps/features:

1) the step of positioning a channel provided in the ballasted socket assembly directly over the high-frequency output cord as recited in claim 34;

2) the input terminals being located within the area of the intersection of the two channels and positioned such that the first input terminal making contact with a first electrical conductor and the second input terminal making contact with the second

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electrical conductor during installation of the luminaire no matter through which channel the electrical cord is routed as recited in claim 39.

### **Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Sharon Payne  
Patent Examiner  
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